PATENT COOPERATION TREATY

From the INTERNAT	ΓΙΟΝΑL SEARCHIN	G AUTHOR	ITY		"ANS!		
To:	· · · · · · · · · · · · · · · · · · ·				PCT PCT		
					RITTEN OPINION OF THE IONAL SEARCHING AUTHORITY		
					(PCT Rule 43bis.1)		
				Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)		
Applicant's	or agent's file reference	e		FOR FURTHER	ACTION		
CL-1	/04 PCT				See paragraph 2 below		
Internation	al application No.		International filing date	(day/month/year)	Priority date (day/month/year)		
PCT/I	DE2005/0000	11	07.01.2005		09.01.2004		
		(IPC) or both	national classification an	d IPC			
	EN, Stephar	1					
1. T	his opinion contains in	dications rela	ting to the following item:	s:			
	Box No. I	Basis of the	opinion				
أ	Box No. II	Priority	~ F				
	Box No. III	Non-establis	shment of opinion with re	gard to novelty, invent	ive step and industrial applicability		
	Box No. IV Box No. V	Lack of unit	y of invention		•		
			atement under Rule 43bis c; citations and explanation		novelty, inventive step or industrial ement		
	Box No. VI	Certain docu	uments cited				
	Box No. VII		ects in the international ap				
-	Box No. VIII	Certain obse	ervations on the internatio	nal application			
1	TURTHER ACTION						
I 11	nternational Preliminar han this one to be the l	y Examining . PEA and the	Authority ("IPEA") excep	ot that this does not app I the International Bur	l be considered to be a written opinion of the bly where the applicant chooses an Authority other eau under Rule 66.1 bis(b) that written opinions of		
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.							
, F	or further options, see	Form PCT/IS.	A/220:		_		
3. F	For further details, see n	otes to Form	PCT/ISA/220.		·		
Name and	mailing address of the	ISA/EP		Authorized officer			
Name and	maning andress of the			- Island vinet			

Form PCT/ISA/237 (cover sheet) (January 2004)

Box	No. I	Basis of this opinion	
1.		regard to the language, this opinion has been establi, unless otherwise indicated under this item.	shed on the basis of the international application in the language in which it was
			ranslation from the original language into the following language anguage of a translation furnished for the purposes of international search (under
	•	Rule 12.3 and 23.1(b)).	
2.		a regard to any nucleotide and/or amino acid seq ntion, this opinion has been established on the basis of	uence disclosed in the international application and necessary to the claimed
	a.	type of material	
		a sequence listing	
		table(s) related to the sequence listing	
	b.	format of material	•
		in written format	
		in computer readable form	
	c.	time of filing/furnishing	
		contained in the international application as fil	ed.
		filed together with the international application	in computer readable form.
		furnished subsequently to this Authority for the	e purposes of search.
3.			or copy of a sequence listing and/or table(s) relating thereto has been filed or on in the subsequent or additional copies is identical to that in the application as as appropriate, were furnished.
4.	Add	itional comments:	·
		·	
			·
		·	

Box	k No. I	V Lack of unity of invention	
1.		In response to the invitation (Form PCT/ISA/206) to pay additional form paid additional fees paid additional fees under protest not paid additional fees	ees the applicant has:
2.	\boxtimes	This Authority found that the requirement of unity of invention is additional fees.	not complied with and chose not to invite the applicant to pay
3.	This	Authority considers that the requirement of unity of invention in according complied with not complied with for the following reasons: The different inventions are: First invention: claims: 1-9 Second invention: claim 10:	Dental aspirator with a mirrored surface. Dental aspirator with a deformable base plate.
		For the following reasons, thes sufficiently related to form a inventive idea (PCT Rule 13.1):	
	•	Document FR 2 595 939 (D1) disc in parentheses refer to this do aspirator to extract liquid and of a patient during treatment, plate(1) with a longitudinal ax surface, an inner surface and a wherein a mirrored surface (3)	debris from the mouth having a hollow base is, having an outer suction opening,
4.	Con	asequently, this opinion has been established in respect of the following all parts the parts relating to claims Nos.	parts of the international application:

Box	No. V			le 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; porting such statement	
1.	Statement	•			
	Novelty (N)	Claims	2,3,5,6,7,8,9	YES
				1,4,10	NO
	Inventive	step (IS)	Claims	1 10	YES
			Claims	1-10	NO
	Industria	applicability (IA)	Claims	1-10	YES
			Claims		NO
2.	Citations and	l explanations:			
	1. F	Reference i	is mad	de to the following documents:	
		D1: FR 2 !	595 93	39 A (LUZZATO MICHEL) 25 September	
		1987 (1987	7-09-2	25)	
		D2: US 5	490 78	80 A (RIEWENHERM ET AL) 13 February	
		1996 (199		· · · · · · · · · · · · · · · · · · ·	
				470 (ORSING, INC) 8 August 1979	
				470 (ORSING, INC) O August 1979	
:		(1979-08-0		DOG (-0-10 11) 00 1 11 1000	
				736 (FOLKO ET AL) 28 April 1998	
		(1998-04-	,		
		D5: DE 10	0 65	705 A1 (KALTENBACH & VOIGT GMBH &	
		CO) 24 Jan	nuary	2002 (2002-01-24)	
	First	invention			
	_				
	2. INI	EPENDENT (CLAIM	1	
	2.1	_		plication fails to comply with the	
		requireme	nts o	f PCT Article 33(1) since the	
		subject m	atter	of claim 1 is not novel within the	
		meaning of	f PCT	Article 33(2).	
		Documents	D1 d	iscloses (the references in	
				fer to this document): A dental	
		Parenthes.	es re	TEL CO CHIES GOCGMENC). A GENERAL	

International application No.
PCT/DE2005/000011

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

aspirator for extracting liquid and debris from the mouth of a patient during treatment, having a hollow base plate (1) with a longitudinal axis, having an outer surface, an inner surface and a suction opening, wherein a mirrored surface (3) is arranged at the suction opening such that at least some areas of the oral cavity are visible (page 1 line 10-22).

- 2.2 The subject matter of claim 1 is also known from document D2 (see column 6, lines 43-56 and figures 1, 4).
- 3 DEPENDENT CLAIMS 2-9

Claims 2-9 do not contain any features, which in combination with the features of any claim to which they refer, meet the requirements of the PCT with regard to novelty or inventive step.

- 3.1 D2 discloses a releasable attachment (claim 4) see column 5, lines 14-17).
- 3.2 Document D3 (see page 3 lines 9-13) discloses an aspirator with a deformable base plate (claim 6) made of flexible, plastic material (claim 7).
- 3.3 Document D4 (see column 3 lines 5-32) discloses an aspirator with a ball and socket joint (claim 8).
- 3.4 An aspirator with a light source (claim 9) is known from document D5 (see figures 2 and 4).

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3.5 The features of claims 2 and 3 concern only minor structural modifications of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.

Consequently, the subject matter of claims 2 and 3 is not based on an inventive step.

Second invention

INDEPENDENT CLAIM 10

4.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 10 is not novel within the meaning of PCT Article 33(2).

Document D3 discloses (the references in parentheses refer to this document) a dental aspirator for extracting liquid and debris from the mouth of a patient during treatment, having a hollow base plate (10) with a longitudinal axis, having an outer surface, an inner surface and a suction opening, wherein the base plate (10) is deformable in a longitudinal direction such that the course of the longitudinal axis can be changed (see page 3 lines 9-13).

4.2 The subject matter of claim 10 is also known from document D4 (see column 3 lines 5-32).

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicitations and explanations supporting such statement	icability;
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	\cdot	

x No. VI Certain documents cited			
Certain published documents (Rule 43bis.1 and 7	70.10)		-
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid clain (day/month/year)
Patent INO.	(nay/minut/year)	(tay/montro year)	(tacy months year)
•			
	•		
Non-written disclosures (Rule 43bis.1 and 70.9)			
Non-written disclosures (Rule 43bis.1 and 70.9) Kind of non-written disclosure	Date of non-written di (day/month/yea	sclosure refen	Date of written disclosure ring to non-written disclosure (day/month/year)
		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure		sclosure refen	ring to non-written disclosure
Kind of non-written disclosure see form 210	(day/month/yea	sclosure refen	ring to non-written disclosure
See form 210	(day/month/yea	sclosure refen	ing to non-written disclosure (day/month/year)
See form 210	(day/month/yea	sclosure refen	ing to non-written disclosure (day/month/year)
See form 210	(day/month/yea	sclosure refen	ing to non-written disclosure (day/month/year)

International application No.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Box IV.

the suction opening such that at least some areas of the oral cavity are visible (page 1 line 10-22).

Claim 1 does not contain any special technical feature (PCT Rule 13.2).

The subject matter of claim 10 differs from the aspirator known from D1 in that the base plate is deformable. This feature is considered to be the special technical feature of the second invention.

The first and second inventions do not have any common or corresponding special technical features. The requirements for unity are therefore not met.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORI	ΤΥ		NS.
То:			PCT PCT
			ITTEN OPINION OF THE ONAL SEARCHING AUTHORITY
			(PCT Rule 43bis.1)
		Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
Applicant's or agent's file reference CL-1/04 PCT		FOR FURTHER A	
International application No. PCT/DE2005/000011	International filing date (a	l day/month/year)	Priority date (day/month/year) 09.01.2004
International Patent Classification (IPC) or both A61C17/08, A61B1/247 Applicant CLASEN, Stephan		HTPC	
Box No. IV Lack of unity Box No. V Reasoned sta applicability Box No. VI Certain docu Box No. VII Certain defect Box No. VIII Certain obse 2. FURTHER ACTION If a demand for international prelim International Preliminary Examining Athan this one to be the IPEA and the othis International Searching Authority If this opinion is, as provided above, written reply together, where approp PCT/ISA/220 or before the expiration For further options, see Form PCT/ISA/ 3. For further details, see notes to Form Is	hment of opinion with reg y of invention atement under Rule 43bis.; citations and explanation ments cited cts in the international approvations on the internation ninary examination is manually "IPEA") except chosen IPEA has notified will not be so considered, considered to be a written riate, with amendments, of 22 months from the pri	l(a)(i) with regard to rest supporting such state of supporting such state of supporting such state of supplication and application and that this does not apply the International Burden opinion of the IPEA before the expiration for the typical support of the su	I be considered to be a written opinion of the by where the applicant chooses an Authority other cau under Rule 66.1 <i>bis</i> (b) that written opinions of the applicant is invited to submit to the IPEA a of 3 months from the date of mailing of Form
Name and mailing address of the ISA/EP		Authorized officer	
Facsimile No.		Telephone No.	

Bo	k No. I	Basis of this opinion
1.		regard to the language, this opinion has been established on the basis of the international application in the language in which it was unless otherwise indicated under this item.
		This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under
		Rule 12.3 and 23.1(b)).
2.		regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed ation, this opinion has been established on the basis of:
	a.	type of material
		a sequence listing
		table(s) related to the sequence listing
	b.	format of material
		in written format
		in computer readable form
	c.	time of filing/furnishing
		contained in the international application as filed.
		filed together with the international application in computer readable form.
		furnished subsequently to this Authority for the purposes of search.
3.		In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Addi	tional comments:
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Bo	x No. I	V Lack of unity of invention						
1.	1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:							
		paid additional fees						
		paid additional fees under protest						
		not paid additional fees						
2.	\boxtimes	This Authority found that the requirement of unity of invention is additional fees.	not complied with and chose not to invite the applicant to pay					
3.	This	Authority considers that the requirement of unity of invention in acco	rdance with Rules 13.1, 13.2 and 13.3 is					
		complied with	•					
	\boxtimes	not complied with for the following reasons:						
		The different inventions are:						
		First invention: claims: 1-9	Dental aspirator with a					
			mirrored surface.					
		Second invention: claim 10:	Dental aspirator with a					
			deformable base plate.					
		For the following reasons, thes	se inventions are not					
		sufficiently related to form a	single, general					
		inventive idea (PCT Rule 13.1):	:					
		Document FR 2 595 939 (D1) disc	closes (the references					
		in parentheses refer to this do	ocument): A dental					
		aspirator to extract liquid and	d debris from the mouth					
		of a patient during treatment,	having a hollow base					
		plate(1) with a longitudinal as	kis, having an outer					
		surface, an inner surface and a	a suction opening,					
		wherein a mirrored surface (3)	is arranged at					
		(see supplemental sheet)						
4.	Con	sequently, this opinion has been established in respect of the following	t parts of the international application:					
•		all parts	parts of the meritane approacher.					
		the parts relating to claims Nos.	·					
l								

International application No.
PCT/DE2005/000011

	ned statement under Rule 4 ons and explanations suppor	43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability rting such statement	y;
I. Statement			
Novelty (N)	· Claims 2	2,3,5,6,7,8,9	YE
	Claims 1		NO
Inventive step (I	S)		VE
	Ciaritis	1-10	— YE NO
I destrict contin			
Industrial applic	Claims $\frac{1}{2}$	1-10	— YE NO
. Citations and explan	ations:		
1. Refe	rence is made	e to the following documents:	
D1:	FR 2 595 939	A (LUZZATO MICHEL) 25 September	
198	7 (1987-09-25	5)	
D2:	US 5 490 780	A (RIEWENHERM ET AL) 13 February	
199	6 (1996-02-13	3)	
D3:	EP A 0 003 4	170 (ORSING, INC) 8 August 1979	
(19	79-08-08)		
D4:	US A 5 743 7	736 (FOLKO ET AL) 28 April 1998	
(19	98-04-28)		
D5:	DE 100 65 70	05 A1 (KALTENBACH & VOIGT GMBH &	
CO)	24 January 2	2002 (2002-01-24)	
	-		
First inv	ention:		
2. INDEPE	NDENT CLAIM 1		
2.1 The	.present appl	Lication fails to comply with the	
		PCT Article 33(1) since the	
		of claim 1 is not novel within the	
		Article 33(2).	
mee	ning of for h		
D = -		scloses (the references in	

parentheses refer to this document): A dental

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

aspirator for extracting liquid and debris from the mouth of a patient during treatment, having a hollow base plate (1) with a longitudinal axis, having an outer surface, an inner surface and a suction opening, wherein a mirrored surface (3) is arranged at the suction opening such that at least some areas of the oral cavity are visible (page 1 line 10-22).

- 2.2 The subject matter of claim 1 is also known from document D2 (see column 6, lines 43-56 and figures 1, 4).
- 3 DEPENDENT CLAIMS 2-9

Claims 2-9 do not contain any features, which in combination with the features of any claim to which they refer, meet the requirements of the PCT with regard to novelty or inventive step.

- 3.1 D2 discloses a releasable attachment (claim 4) see column 5, lines 14-17).
- 3.2 Document D3 (see page 3 lines 9-13) discloses an aspirator with a deformable base plate (claim 6) made of flexible, plastic material (claim 7).
- 3.3 Document D4 (see column 3 lines 5-32) discloses an aspirator with a ball and socket joint (claim 8).
- 3.4 An aspirator with a light source (claim 9) is known from document D5 (see figures 2 and 4).

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3.5 The features of claims 2 and 3 concern only minor structural modifications of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable.

Consequently, the subject matter of claims 2 and 3 is not based on an inventive step.

Second invention

INDEPENDENT CLAIM 10

4.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 10 is not novel within the meaning of PCT Article 33(2).

Document D3 discloses (the references in parentheses refer to this document) a dental aspirator for extracting liquid and debris from the mouth of a patient during treatment, having a hollow base plate (10) with a longitudinal axis, having an outer surface, an inner surface and a suction opening, wherein the base plate (10) is deformable in a longitudinal direction such that the course of the longitudinal axis can be changed (see page 3 lines 9-13).

4.2 The subject matter of claim 10 is also known from document D4 (see column 3 lines 5-32).

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
•						
•						

Box	No. VI	Certain d	ocuments cited			-	
1.	Certain publi	shed docum	nents (Rule 43bis.1 ar	nd 70.10)			
			eation No.	Publication date (day/month/year)	Filin	ig date onth/year)	Priority date (valid claim) (day/month/year)
		raic	AR IVO.	(ttay/nu/nu/v year)	(day/ma	nure year /	(was y monero year)
			•				
			,				•
							•
2.	Non-written	disclosures	(Rule 43bis.1 and 70.	.9)			
	K	Kind of non-	written disclosure	Date of non-wr (day/mor		referring	e of written disclosure g to non-written disclosure (day/month/year)
	see	form	210				
				,		•	
-							
	-						
					•		

International application No.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient. Continuation of:

Box IV.

the suction opening such that at least some areas of the oral cavity are visible (page 1 line 10-22).

Claim 1 does not contain any special technical feature (PCT Rule 13.2).

The subject matter of claim 10 differs from the aspirator known from D1 in that the base plate is deformable. This feature is considered to be the special technical feature of the second invention.

The first and second inventions do not have any common or corresponding special technical features. The requirements for unity are therefore not met.